

Significant Issues

This bill embodies the policy that the Legislature requested and the Chief Judges Council has followed for the past five years in presenting judgeship requests endorsed by the judiciary's *Unified Budget*. In addition, the courts notify the District Attorney and Public Defender offices of judgeship requests so that they have an opportunity to assess and report their respective analyses for this bill.

In 1998, the AOC completed a study to provide the Legislature with a standardized methodology for determining the needs for additional judgeships – the Weighted Caseload Study. The study assigns a weight for each type of case heard in court. The weight represents the average amount of judge's time, expressed in minutes, that is necessary to process a case of that type. Each weight is multiplied by the number of new cases filed per category.

After updating the study with FY01 caseload data, the Chief Judges Council reviewed all district, metropolitan and magistrate judgeship requests statewide and considered the need for a judge as determined by the Weighted Caseload Study as well as additional narrative and testimonial information from those jurisdictions. In summary, the council voted to support the two judgeships as requested in this bill.

An additional table is attached highlighting the weighted caseload analyses.

FISCAL IMPLICATIONS

**Of the appropriation of \$553.5 contained in this bill, \$394.1 is a recurring expense to the general fund and \$159.4 is for non-recurring expenses. Any unexpended or unencumbered balance remaining at the end of FY03 shall revert to the general fund.

The distribution of the appropriations is outlined in the table below.

JUDGESHIP AND RELATED APPROPRIATIONS

Judgeships	Appropriation for Magistrate Court	Appropriation to District Attorney	Appropriation to Public Defender	Total
Magistrate - Chaves (1 judge)	99,110	78,665	98,000	\$275.6
Magistrate - San Juan (1 judge)	99,110	78,665	100,000	\$277.7
Totals	\$198.2	\$157.3	\$198.0	\$553.3

ADMINISTRATIVE IMPLICATIONS

The primary long-term administrative effect on the magistrate courts with the passage of this legislation would be more efficient and expeditious disposal of cases. Without additional judges, these two courts will experience significant delays in hearings and disposition of both criminal and civil cases. This is true for the Public Defender and District Attorney offices too.

RELATIONSHIP

Senate Bill 55 is a more comprehensive judgeship bill and requests a total of 10 new judges: six for district courts; three for Bernalillo County Metropolitan Court; and one for the Santa Fe magistrate district.

POSSIBLE QUESTIONS

1. Typically, judgeship bills are effective at the commencement of the fiscal year. Why does this act have «emergency clause » language included?
2. Past judgeship bills have always included a court clerk to support the new judgeship. In these two magistrate courts, does the judiciary's Workload Measurement Study indicate whether or not there is a need for additional staffing as well as judges?

CMH/ar